



Ninety-Eighth Legislature - First Session - 2003  
**Introducer's Statement of Intent**  
**LB 628**

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**Chairperson:** Kermit A. Brashear  
**Committee:** Judiciary  
**Date of Hearing:** February 26, 2003

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

The Uniform Interstate Enforcement of Domestic Violence Protection Orders Act, promulgated in 2000, establishes a uniform system for the enforcement of domestic violence protection orders across state lines. The uniform act furthers the purpose of the “full faith and credit” provision of the Federal Violence Against Women Act of 1994 regarding protection orders issued by states. Although the federal provision was an important step toward protection, it left open some crucial questions regarding procedural aspects of enforcement that the uniform act helps to answer.

LB 628 has two purposes: 1) to define the meaning of full faith and credit as it relates to the interstate enforcement of domestic violence protection orders, and 2) to establish uniform procedures for effective interstate enforcement. The bill accomplishes these purposes through provisions that are broad enough to ensure that basically any domestic violence protection order is enforced. Provisions include:

- ⇒ **Judicial enforcement of order.** Courts must enforce the terms of valid protection orders of other states as if they were entered by the enforcing state, until the order expires.
- ⇒ **Terms of the order.** All terms of the order are to be enforced, even if the order provides for relief that would be unavailable under the laws of the enforcing state. Terms that concern custody and visitation matters are enforceable if issued for protection purposes and if the order meets the jurisdictional requirements of the enforcing state. Terms of the order made with respect to support are enforceable under the Uniform Interstate Family Support Act.
- ⇒ **Non-judicial enforcement of order.** A law enforcement officer, upon finding probable cause that a valid order has been violated, must enforce the order as if it were an order of the enforcing state.

- ⇒ **Registration of order.** An individual may, but is not required to, register a foreign protection order with the enforcing state. Registration will help set aside possible challenges to an order as well as facilitate effective enforcement of an order.
- ⇒ **Immunity.** Law enforcement officers, governmental agencies, prosecuting attorneys, clerks of court, or other officials are protected from civil and criminal liability for enforcement of a protection order in good faith.

## UNIFORMITY

It is important for each state to enact the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act. LB 628 provides for uniform procedures for effective interstate enforcement. Domestic violence victims need protection regardless of where a protection order was issued. The uniform act helps to ensure protection across state lines. Effective interstate enforcement of protection orders can be achieved only if every state enacts the uniform act.

*Note: This narrative has been substantially borrowed from materials provided by the Uniform Law Commission.*

**Principal Introducer:**

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**Senator David Landis**